

Spec. Coll.
Anti-Slavery

E
458.3
.M67
1863

1

No. 1.

Papers from the Society for the Diffusion of Political Knowledge.

958434

THE
CONSTITUTION.

ADDRESSES

OF

Prof. MORSE, Mr. GEO. TICKNOR CURTIS, and Mr. S. J. TILDEN,

AT THE ORGANIZATION.

—♦♦♦—
“WHEN A PARTY IN POWER VIOLATES THE CONSTITUTION AND DISREGARDS STATE-RIGHTS, PLAIN MEN READ PAMPHLETS.”

READ—DISCUSS—DIFFUSE.

PRESIDENT, PROF. S. F. B. MORSE,	} OFFICE OF THE SOCIETY, No. 13 PARK ROW, NEW-YORK. C. MASON, COR. SEC'Y., To whom all communications may be addressed.
SECRETARY, WM. McMURRAY,	
TREASURER, LORING ANDREWS,	

—♦♦♦—
Resolved, That it be recommended to all citizens in the various cities, counties, and villages of this and other States, who approve of the objects expressed in this Constitution, that they organize auxiliary societies, and open communication with the New-York Society.

ORGANIZATION OF THE SOCIETY

FOR THE

DIFFUSION OF POLITICAL KNOWLEDGE.

On the 6th of February a number of gentlemen met at Delmonico's, to consult on the best means of diffusing correct political knowledge.

On the 13th of February the same gentlemen, with others, reassembled at the same place, to complete the organization of THE SOCIETY FOR THE DIFFUSION OF POLITICAL KNOWLEDGE—the comprehensive objects of which are set forth in the Constitution adopted.

Prof. S. F. B. Morse, who had been chosen President of the Society at a former meeting, took the chair. Upon calling the meeting to order, he spoke briefly as follows:

Speech of Professor Morse.

GENTLEMEN: I can not take the chair this evening, to which you have been pleased in your kindness to call me, without a few words of definition of my position in relation to the movement which we have inaugurated.

Nothing in these days of our country's trial has so saddened the hearts of patriots, and caused such universal misgiving touching the stability and even the existence of our cherished Government, as the constantly recurring evidences of a deep and wide-spread demoralization, pervading the public mind, to which the rostrum, the press, and, I am sorry to add, the pulpit, in a lamentable degree, lend their powerful influence to strengthen and perpetuate. Fa-

naticism rules the hour. The *fanatic* is on the throne. I use the term fanatic in no loose sense. Fanaticism is a frenzy, a madness. It is not, as it pretends to be, a zeal springing from enlightened reason, founded on the rock of God's word, but a spirit of the pit, clothing itself in our day in the garb of an angel of light, the better to deceive the minds of the unthinking and the simple. Fanaticism has been well defined, "enthusiasm inflamed by hatred," and the truth of the portrait of the foul fiend is exhibited before us every day.

History, ever repeating itself, as time completes its cycles, has not yet closed its sad volume of disastrous hallucinations. It is preparing its pages and reddening its pen to record the story of the foulest tragedy of earth—the most frightful that is yet to deform the annals of the past.

Can patriotic men, persuaded of such an issue, be silent, be idle? There may be those who fold their arms and shut their eyes, and lull their apprehensions with baseless dreams of a future "visionary, impossible Union," a Union begotten of force and fear, not a Union begotten of peace and love; a Union to be created when the South shall be wiped out of existence, and its soil prepared for Northern colonization; when the Southern earth shall be "without form and void," and has become the desolate habitation for the advent of the

new Northern man. But there are others who have awakened to the realities of the times. They can not but read the portentous signs of a coming destruction. If the poisonous seeds sown for long years by a proud, God-defying infidelity in France, have shown their natural fruits in the bloody dramas of the Reign of Terror, how can we believe that the same seeds, exotic though we hope them to be, yet now flowering in an artificial atmosphere and in a hot-bed made congenial to their rank growth by American infidelity in church and state—how can we believe, I say, that we shall pluck grapes from these thorns, or figs from these thistles?

But what can we do to root out these noxious weeds? We must put machinery in motion adapted to that end. The heresies of the Church must be grappled with by the untainted theologians of the land, for there are thousands of these who have not bowed the knee to the abolition Baal. The heresies of the state can be and must be reached in a constitutional way by the intellects of the country. If I have read the provisions of the Constitution aright, this meeting in its object and its mode of reaching that object, is wholly and completely constitutional. We have, however, been assailed by those whose record and antecedents should not make either the act or the manner of the act surprising to us. We are instructed, however, that charity "rejoiceth not in iniquity," and the injunction in this case is salutary, for the temptation is certainly strong to rejoice, rather than to feel indignation at the gross indecency our opponents have thought proper to perpetrate. It is not, indeed, the iniquity of which these libelers have been guilty, and which has drawn down upon them one universal cry of shame from all decent men, that tempts our rejoicing; it is their having given to the public such an unmistakable manifestation of that reckless, unprincipled spirit which is so rife in the ranks of fanaticism, and which it is our own purpose, if possible, to exorcise. True, it is a matter of surprise that the simple, unostentatious, unannounced assemblage of

a few gentlemen in a parlor to concert a plan for diffusing knowledge should have been the potent spear of Ithuriel, at once to reveal in proper shape and character, the presence in the community of the demon of fanaticism.

"Him thus intent, Ithuriel with his spear
Touched lightly; for no falsehood can endure
Touch of celestial temper, but returns
Of force to its own likeness. Up he starts,

Abashed, the devil stood."

Now we are told from the best authority that the devil is "the father of lies." If falsehoods, therefore, are evidence of his presence or his agency, surely the spawning of *forty-three*, at one incubation, entitles the prolific reporter to preëminent distinction in the ranks of the prince of evils.

We have been charged with disloyalty. Men use words very loosely in these times of excitement. What is disloyalty? It is unfaithfulness to the sovereign. Where is our sovereign? Will it be said that it resides in the powers that be, and these we are commanded not to resist? If there are any associated with us who propose to resist the powers that be, I have not been acquainted with them. There is one of the powers that be, and that too the very chief of these powers, which seems to be strangely left out of view in our political discussions in these eventful times. There are some, I understand, who believe the sovereign power to exist in the President; others that it rests in the national, executive, legislative, and judicial bodies collectively, and others, in the States; and many, if not most, have very indefinite and confused ideas of these powers that be. Each of these is a power, and there are many others, each of which, in the legitimate exercise in its proper order of its own delegated duties, is not to be resisted without blame. But it seems to be forgotten that there is a power in the State sovereign to each and all these powers, one to which all of them are subject. Can we overlook the great truth that the very foundation of our governmental system is based on the

sovereignty of the people? Do I mistake or exaggerate when I say that presidents, and governors, and all the departments, whether of State or federal machinery, are all subordinate to the people? Justice Story, in his work on the Constitution, in his concluding remarks, says:

"It (the Constitution) is the language of the people. The people have established it, and spoken their will; and their will, thus promulgated, is to be obeyed as the supreme law of the land. Every citizen has a right to contest the validity of its construction before the proper tribunals, and bring it to the test of the Constitution. And if the case is not capable of judicial redress, still the people may, through the acknowledged means of new elections, etc., check any usurpation of authority, and thus relieve themselves from any grievances of a political nature."

The order, then, of classification of these powers is, first the people, then the State Government, and then the Federal Government. The people in their sovereign capacity and right have absolute power over and above all other powers. The Declaration of Independence, in its mixture of truths, qualified truths, and fallacious maxims, has (so far as our Government is concerned) announced one truth which they who make that document their political bible will not gainsay. "It is the right of the people to alter or abolish (any form of government) and to institute new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." Can any political power be conceived more absolute than this? It is supreme over all the other powers. To make the case more plain, if it is necessary, reverse the case, and suppose it to read: "It is the right of the President, or the Federal Government, or any of the States to alter or abolish the Government, etc." There is no such power but in the people. And now to whom are we appealing in forming this Society? To the *supreme power*. We have nothing to

do with any of the other powers, but to use them, so far as we may in their several subordinate stations, as means of reaching the sovereign; and we intend reaching his throne with our petition only through the well-known constitutional channels of access. We mean to use our rights of free discussion, and look for the answer to our appeal of the ballot-box.

Is this treason? Is this conspiracy? Is this resisting the powers that be? Is it disloyalty to appeal to the *sovereign*, or to exercise that portion of the sovereign power which of right belongs to us as part of the people?

Hon. George T. Curtis, in reporting a draft of a constitution from the committee to which the subject had been referred, spoke as follows:

Speech of Hon. Geo. T. Curtis.

Mr. President and Gentlemen: Since we last met in this place we have been subjected to a gross, wanton, and unprovoked insult. Nevertheless, sir, I presume that we shall go on in the discharge of our rights and duties as free citizens of this free country, and, according to the advice which Hamlet gave to the courtier, that we shall use our assailants not according to their deserts, but according to our own honor and dignity. The committee, sir, who were instructed to prepare and report a constitution for the permanent organization of this Society, have directed me to present the instrument which I hold in my hand. Before reading it, however, I desire to be indulged in a few remarks which it is due to the character of those who were here at the first preliminary meeting, and who are again now here, I should make with all calmness, but at the same time with firmness and frankness. When respectable men, who are to be presumed to be as pure and patriotic as their neighbors, are assailed as traitors and conspirators, it concerns the public good that their objects and purposes should immediately be made known, in order that no excuses may be left for the indulgence of a foolish credulity, stimulated by falsehood and malignity, and therefore, sir, we have requested the attendance here of a per-

son who exercises the honorable employment of a reporter for the public press in an honorable and upright manner, and respects his own calling, and who will doubtless give a faithful and true account of all that may transpire here that it concerns the public to know.

Mr. President, the immediate causes for the formation of this Association are the prevalence of doctrines subversive of the fundamental principles of civil liberty and tending directly to the overthrow of the Constitution of the United States, and a wide-spread popular ignorance of the true nature and character of the institutions under which we live. Under these circumstances, sir, what are good men to do who love their country and value its institutions, and who are not willing that these doctrines should go on to produce their bad work in the entire disorganization of society? For, sir, but one of two things can occur, either these doctrines must be met by discussion and refutation and by the peaceful operations of the ballot-box, or they must go on until they have completed their mischief, and property, government, social order, and all things else sink into confusion, to be followed by such peace and security as an absolute despotism can bring. Sir, I do not propose on this occasion to enter into any argument respecting any of the questions which have come into such alarming significance within the last eighteen or twenty-four months, or into any extended discussion of the theories which prevail respecting the various powers of the different departments of the government. But I do propose very briefly to indicate the nature of some of these questions and the character and tendencies of some of those theories, in order that those who may be induced to reflect on the condition of our country may see whither we are drifting. You all know that there are annexed to the Constitution of the United States certain amendments, which embody, in the form of fundamental laws, superior and paramount to all executive or legislative or judicial power, the fundamental, inalienable, and indestructible rights of the citizen; and you also know that the

generation of men who made that Constitution and transmitted it to us were not willing to have it go into operation without annexing to it those limitations on the powers of the government. Now, sir, it is not necessary to repeat, to recite what these limitations are. But you are aware that it is now claimed that in time of war, and because the country is at war, it is legitimately in the power of the President to disregard all those restrictions and limitations, and practically to set aside and annul all these rights of the citizen. That I do not exaggerate or in any degree mistake the nature and extent of this claim, permit me to read a single sentence from a pamphlet, written, published, and largely circulated in the year 1862, by an American lawyer:

"No citizen, whether loyal or rebel, is deprived of any right guaranteed to him in the Constitution by reason of his subjection to *martial law*, because *martial law* when in force is *constitutional law*."

Now, sir, you are aware that the whole of this position, so far as it could affect the American people, is founded on the assumption that there is wrapped up in that phrase which designates the military capacity of the President as that of commander-in-chief of the army and navy, power to declare martial law by proclamation all over the country, when the country is in a state of war and the President has armies in the field. Having seen the form in which this doctrine is promulgated now in our American age and in this country, let me ask you to go back for an instant to the year 1628 in England, and see how the same doctrine was then stated by an English lawyer upholding the side of arbitrary power upon the same description of reasoning, and the coincidence is astonishing. At a conference between the two houses of Parliament concerning the liberty of the subject, holden April 17, 1628, Mr. Sergeant Ashley, a noted lawyer of that day, held the following language in the presence of the two houses:

"The law martial, likewise, though not to be exercised in time of peace,

when recourse can be had to the king's courts, yet in time of invasion, or other times of hostility, when the royal army is in the field, and offenses are committed which require speedy resolution and cannot expect the solemnities of legal trials, then such imprisonment, execution, or other justice done by the law martial is warrantable, for it is then the law of the land, and is *jus gentium*."

I will make no comments, but will simply call to your recollection the fact that the phrase or the thing "martial law" is utterly unknown to the Constitution of the United States; that even Congress—the whole legislative power, the Senate, and the House of Representatives—and the President, acting together, can not make any special mode of arrest or trial applicable to any but persons in the army and the navy, and that as to all other men the Constitution absolutely forbids arrests without due process of law or trials otherwise than by a jury of the vicinage. And yet, sir, we are told that the President of the United States may declare martial law by proclamation, and may subject every citizen to seizure and incarceration by provost-marshal.

Then, sir, there is that other kindred heresy by which the same kind of result is arrived at, but by a somewhat different process. We have all heard a great deal about the doctrine of self-defense on the part of the Government. The right of self-defense—as if Government were a natural person, having all the inherent rights of self-defense which a natural person has; and mixed up with this strangely in men's minds is the idea that the members of the executive government may transcend the law of the land in the exercise of this great inherent right of the government to defend itself, and having transcended the law of the land, and committed an injury upon some citizens, may go to Congress and ask for an indemnity, and so the whole wrong is cured by such indemnity by act of Congress. It is the most singular thing in this world that the American people have not hitherto seen that this idea of resorting to the practice of the British Constitution, and borrow-

ing from it what is called the bill of indemnity, to protect the officers of the government from the reclamations and complaints of the citizen, urged in courts of justice, is utterly inapplicable to our Constitution and our institutions, and that the attempt must repeal it—must pull down the Constitution and destroy those institutions. What is the reason, sir, that in England the executive government can in moments of great emergency and in seasons of great public peril, overstep for the moment the positive law of the land, and then, consistently with the principles of that government, receive what is called an indemnity from Parliament—that is, protection and pardon for the act, and thus the remedy of the citizen be cut off? It is solely and simply because it has always been a received principle of that government, that Parliament—the three branches of the Legislature acting together—make and unmake the constitution at their pleasure, and the fundamental reason is that they have no written constitution, but their constitution is an unwritten one. So that when any officer of the government has overstepped the law of the land from right public motives, and in a season of great emergency and peril, it is according to the practice and according to the legitimate theory of their constitution that an indemnity may be granted, for whatever Parliament solemnly enacts in the form of law is constitution. They may set aside the constitution in any particular by act of Parliament—so much so that they may change the descent of the crown, or make the heir apparent a beggar at any moment. But no such thing as that can be done in this country, for the simple reason that we have a written Constitution, which is paramount to all legislative authority and all legislative power—over which Congress has no more control, and in respect to which, where it guarantees rights to the citizen, Congress can no more act to take away the remedy than it can undertake to legislate respecting the condition of things in the provinces of the British empire. If it were not so, it would be in the power of Congress at any time to set aside first one provision of the Consti-

tution and then another, and so to go on until they had frittered away or overturned the whole of it.

Then there is that great mischievous heresy with respect to the power of the President to annul the writ of *habeas corpus*. It will always remain a serious discredit to the administration of Mr. Lincoln, that having to establish the first precedent on that subject since the establishment of the Constitution, they should have made that precedent in the wrong way, and thus have introduced a train of mischiefs in this country which are incalculable in extent, and of which no man can see the result. Why, sir, look at it for a moment. When these questions first rose in the path of the administration, nothing could have been more simple for them to do, nothing more necessary than to go to Congress, not only to ask for proper authority to suspend the writ, but to define that suspension and regulate it, to determine just how far the writ should run, just when and where the judge should stay his hand in prosecuting an inquiry, and on what certificate, and on what facts he should close the inquiry. And, sir, it is within my personal knowledge that some of the members of the administration at the extra session of Congress in 1861—at least the highest law-officer of the Government was implored to take that course, and had they taken it there is no amount of assistance from the best legal minds in the country which they could not have had at the asking, to have framed the proper law for that subject. I appeal to you, Mr. Tilden—I believe you are the only one of my brethren I see in the room—I appeal to you to confirm my statement when I say that no judge in the land can now receive judicial information on which he can act, that the writ of *habeas corpus* is suspended. What is the present state of things? The writ issues—some body comes into court, some military officer, and instead of making a return and bringing up the petitioner, undertakes to inform the judge that the President says that the writ is suspended. What does suspension mean under those circumstances? What are its limitations?

What is its operation? Suppose the petitioner asks to be brought up, saying: "The Constitution guarantees to me, if I am accused of crime, a speedy and impartial trial in the State and district wherein the crime is said to have been committed. I have been incarcerated for eighteen months in a loathsome dungeon, and refused all redress." Is the writ suspended to close that inquiry? And yet that is the necessary consequence of this doctrine of executive suspension of the writ. Those are the reasons, sir, why it is one of the most lamentable, one of the greatest calamities that has ever befallen this country that Mr. Lincoln's administration should have set this precedent in the wrong direction.

Mr. Samuel Tilden said: My friend will excuse me for a moment. I will state that happening to be in Washington just about the period when this question rose, and being spoken with upon the subject by a member of the administration, I advised him that he would have no protection of law in acting upon the assumption that the writ of *habeas corpus* was or could be suspended in this mode, that he had better have just as little to do with it as possible, because when the momentary excitement was over, even if acts of this character were necessary, if arrests and detentions were necessary, he would find it wholly impracticable for him to set up any ground of offense against the several forms of redress that might be sought on the part of the person imprisoned. The suspension if validly made could operate, not to annul the other clauses of the Constitution to which Mr. Curtis has referred, or to suspend them, but simply to enable persons to be arrested and detained—that it did not touch the mode of trial and of punishment. Now, in my own judgment, it was absolutely necessary, as well for the safety of the citizen as for the convenience and fair action of the government, that the whole thing should have been defined by legislative action. It was a mistake of the most extraordinary character, resulting, I presume, from the entire want of acquaintance on the part of the law-

officer of the government with the subject of constitutional law, and the fact that the acts had been already committed, and were to be justified when his opinion was asked, and not any future action to be determined.

Mr. Curtis continued: I had no doubt as to what view must be taken by the gentleman, although I never exchanged a word with him on the subject in my life. I have said that this is a very unfortunate occurrence. It has interrupted the chain of that steady, safe, constitutional, and only regular and legitimate line of precedents that had come down to us from our British ancestors for many generations. In five reigns in England, if I remember rightly, the writ of *habeas corpus* has been suspended seven times, always by act of Parliament, always by a statute regulating it, defining it, and determining with the utmost precision what is the duty of the judge under such circumstances.

Then there is that other great heresy which may be called the war measure heresy, as if the Constitution were a thing made of India-rubber, to be stretched in one direction in time of peace and in another direction in time of war, or as if we had one Constitution for a state of peace and another Constitution for a state of war. And so we constantly hear it said, no matter what your complaints are about constitutional provisions—no matter what you may question, or what you may suggest or say, “Oh! that is of no consequence—this is a war measure,” and thus it is justified. So one might go on through half of the entire night, respecting these extraordinary ideas which have crept into the minds of educated men, and which they have instilled into the popular mind. There is one especially extraordinary, and, in my judgment, equally dangerous idea—and that is, that the rights of the States will take care of themselves, when the war is over, and things will all fall back to their normal condition. Let us look at that for a moment. Here is the militia—the relations to which of the general government and of the States are defined with the utmost precision by the Constitution—and where there was any

room for doubt as to the respective practical duties and rights of either government, all that has been, since the war of 1812, settled by judicial decision of the Supreme Court. Suppose, as is perhaps not unlikely, that the bill shall pass Congress, putting the whole control—constitutional provision or no constitutional provision—of the militia of the several States into the hands of the General Government, or, as I have heard it expressed, putting the sword effectually into the hands of the President. You go on in that state of things throughout this war, you go on to a termination of it, whatever that termination may be. Where is the militia then? What precedent has then been established, and what construction by reason of such a precedent acquiesced in—if it has been acquiesced in by the States and people—has the Constitution received at the hands of all the branches of Government and of the States? Why, a construction which does place and leave the whole “sword” of the whole country in the hands of the President of the United States. “The rights of the States will take care of themselves,” we are told, and it is very idle, foolish, and somewhat treasonable talk to think any thing about the rights of the States or say any thing about them. Well, there is actually pending in Congress a bill which proposes to annihilate the jurisdiction of the State courts over personal actions for wrongs and injuries upon the suggestion only by the defendant, when he comes into court, that what he has done and what is complained of was done by order of the President of the United States. Actually, it is proposed that if any man sues another citizen of the same State for a personal wrong or injury in a court of the State—nay, sir, it extends to criminal proceedings also as well as civil—the cause shall instantaneously be transferred into the Federal courts on the suggestion only by the defendant that what he did was done by order of the President. Suppose that takes effect. Suppose that is acquiesced in. What construction have the powers of the General Government then received at the hands of all the departments of Govern-

ment and at the hands of the people in reference to that? That the entire jurisdiction of the State courts over personal wrongs as between citizen and citizen is stricken out of existence, when it is set up in defense, that the President ordered the act to be done. These theories have exerted and are exerting a most mischievous effect on the power of the Administration to cope with the public enemy; and I need not say how they have divided the public sentiment and the feeling of the North. I need not say how necessary they have made it that these things should undergo discussion, should be brought to the issue of the ballot-box. There is a vulgar error prevalent among a certain class of second-rate statesmen, that violence is strength. It is a lamentable mistake, and in constitutional countries and in countries which are under the control of constitutional principles, it is the falsest suggestion upon which men could possibly act. No government in any constitutional country is strong, powerful, able to discharge its duty to the utmost, able to call forth all the resources of the people for the accomplishment of any great public object, that does not faithfully and strictly pursue the fundamental law of the land. Bear with me, sir, one moment longer, while I endeavor to say why it is that I feel every infraction of the Constitution as if it were a wound inflicted upon my own body or a wrong done to my own soul. It is not, sir, I assure you, because I have endeavored in some humble and imperfect way to explore the foundations of our liberties and to explain them to my countrymen. It is because I feel in every fiber of my existence that this is the last written Constitution we shall ever have. It is because I feel an innate and undying conviction that if you suffer that instrument to be overborne—that if you acquiesce in serious and great infractions of its provisions—you will throw every thing into a state of entire confusion, and there will be an end of this experiment of self-government founded on and residing in the text of a written Constitution, explained, illustrated, and enforced by the peaceful operation of a supreme judicial

ry. I do not forget, sir, that the Southern Confederacy, so called, have framed for themselves a written Constitution founded on that of the United States as a model, and with some amendments which may be of more or less theoretical or practical value; but, sir, it does seem to me that no one can look at their condition and prospects without seeing that, although in point of form they may, if they succeed in obtaining their independence and can maintain their position, go on ostensibly under a written constitution, that their government must necessarily and will inevitably be a military government and be conducted by force. God forbid, sir, that we should follow that example. Let us take care how we acquiesce in any infractions of the Constitution.

Let us take care how we fail to do our utmost to instruct and enlighten the people, and to cause them to reverence and to cling to it as the great salvation rock. (Applause.)

With these remarks, sir, I beg leave to read the Constitution for this Society, which the Committee have instructed me to report.

Mr. Curtis then read the following draft of a Constitution, which was unanimously adopted as the Constitution of the Society:

CONSTITUTION.

ARTICLE I.

This Society shall be styled *The New-York Society for the Diffusion of Political Knowledge*.

ARTICLE II.

The objects of the Society shall be to disseminate a knowledge of the principles of American constitutional liberty; to inculcate correct views of the Constitution of the United States, of the powers and rights of the Federal Government, and of the powers and rights reserved to the States and the people; and generally to promote a sound political education of the public mind; to the end that usurpations may be prevented, that arbitrary and unconstitutional measures may be checked, that

the Constitution may be preserved, that the Union may be restored, and that the blessings of free institutions and public order may be kept by ourselves, and be transmitted to our posterity.

ARTICLE III.

The officers of the Society shall consist of a President, a Treasurer, a Secretary, and three Standing Committees, who shall be chosen annually. The Standing Committees shall be a Committee on Publications, to consist of seven members, and a Committee of Finance, to consist of ten members; and these two committees shall constitute the Executive Committee of the Society, of which the President, the Treasurer, and the Secretary shall be members *ex officio*. Each committee may fill vacancies in its own body.

ARTICLE IV.

The Executive Committee shall have the general direction of the operations and measures of the Society in the promotion of its objects; but no pamphlet, book, or other publication shall be circulated or issued in the name or under the auspices of the Society without being first approved by the Committee on Publications; and no person shall deliver a lecture or other public address in the name or under the auspices of the Society without first receiving a written appointment therefor from the Chairman of the said Committee on Publications.

ARTICLE V.

The Committee on Finance shall collect funds for the use of the Society, and pay them over to the Treasurer, whose duty it shall be to pay therefrom, under the direction of the Executive Committee, all expenses that may be incurred by the Society in the prosecution of its objects.

ARTICLE VI.

Regular meetings of the Society shall be held on the first Saturday in April,

October, and January, in each year, and special meetings may be held at any time, under the direction of the President.

ARTICLE VII.

The Secretary shall record all the proceedings of the Society; he shall also act as Secretary of the several committees, and shall notify all meetings of the Society, or its committees.

ARTICLE VIII.

Other citizens of the United States, of full age, and of good moral character, may be admitted as members of this Society, on the nomination of two members, at any regular or special meeting of the Society, by a vote of two thirds of the members present.

ARTICLE IX.

No amendment of this Constitution shall be made without the vote of three fourths of the members present at a regular meeting, and notice thereof shall be given at the preceding regular meeting.

ARTICLE X.

The several committees shall report their doings at each regular meeting, and the Secretary shall record the same in the records of the Society.

SAMUEL F. B. MORSE, President.

MANTON MARBLE, } Secretaries.
WM. McMURRAY, }

There being no further business before the Society, an adjournment was effected. The movement thus inaugurated will be a great power in the community and country.

Resolved, That it be recommended to all citizens in the various cities, counties and villages of this and other States, who approve of the objects expressed in this Constitution, that they organize auxiliary societies, and open communication with the New-York Society.

Letter from Mr. Tilden

IN REPLY TO THE EVENING POST.

TO THE EDITORS OF THE EVENING POST :

In the *Evening Post* of this afternoon appears a pretended report of remarks made by me at a private meeting of gentlemen held at Delmonico's, last evening, which, I think, your senior editor would not be likely to credit, even though he saw it in a journal that derives its largest claim to public confidence from the authority his name gives to whatever it contains.

I should not deem this publication, however it might misrepresent me, of sufficient importance to require a public notice, except for one single consideration.

It is a studied attempt to give to the meeting the aspect of a revolutionary intrigue, and imputes to me expressions or implications countenancing in some degree, a resort to revolutionary means to effect a change in the policy of the present Federal Administration.

At an ordinary time, I should treat such an imputation with silent contempt. But the time is not ordinary, very far from it. There is a danger yet unrevealed in our future, transcending the calamities we are now experiencing. The premonitions of it are in the wild ideas, which, discarding the maxims and the habits of constitutional government, for the expediency of the moment, grasp at revolutionary power as an instrument of every successive illusion in our national policy.

It illustrates how contagious this bad example is, when set by these who administer the government during a period of public danger, that we daily hear from their partisans, and sometimes from their antagonists, propositions subversive of all constitutional government and of our private rights and personal safety. There are few journals in this city in whose columns, during the present civil war, can not be found invocations to violence against dissentients from their opinions. Among those failing to use their influence to restrain, but often giving countenance to this dangerous tendency, I lament to recall one whose ear-

ly renown was earned by its advocacy of free discussion, personal rights, and local self-government. We were fast degenerating into a condition in which violence, exercised under the false pretense of lawful authority, or by mobs, was becoming the ordinary weapon of political discussion and partisan warfare, when the elections last fall reminded the party in power that it is not wholly irresponsible, and did something towards restoring that balance between masses representing different opinions, without which popular government is impracticable.

In a generation which finds itself, as ours now does, in a situation wholly novel; which is inexperienced in the larger politics; all of whose leading minds are the growth of a period of peaceful prosperity, and of liberal self-esteem, I fear to see the public mind gradually becoming familiar with the dangerous instruments and methods of revolutionary action. The temptation to use them in aid of the theory, passion, interest, or partisanship of the hour, is immediate and urgent; the evil consequences are remote, contingent, and dimly seen, without the light of experience. That we have hitherto abstained from them is due mainly to the traditions and habits we inherited from our ancestors, wise through much costly experience. I do not think these traditions and habits can be safely broken up. Never once, on any occasion, at any time, in any place, have I failed to lift my voice against any tendency of this kind, from whatever source it proceeded. I may, perhaps, have carried my solicitude upon this subject too far. That is not my opinion. Often, when honest, patriotic men, writhing under a sense of public danger, intensified by a future into which no eye can penetrate, have appealed to me to say what we could do to save the country, I have had occasion to counsel patience with errors which were drifting us as well as their authors to swift destruction, to revive the sense that the men who at present administer the government are our constitutional and legal agents, and that, though they claim from us our full share of the bur-

dens and sacrifices which their policy imposes, without the slightest deference to our convictions in respect to the public interests and public safety, we must still loyally accept disappointment and national disaster, if they should come before the organism of the government can be reclaimed to a better policy in the due course of the elections.

It was some observations of this precise nature, more forbearing than those I now use, made while I was responding to a similar inquiry, that your reporter, by suppression and inversion, has distorted into exactly the opposite import. I had no information of any thing that was intended to be proposed at that meeting, or who was to be present, beyond what was conveyed by the call shown to me a few hours previously. I attended, not because I deemed the occasion of much practical moment—especially as an informal and preliminary meeting—but out of deference to the solicitude of men whose character and motives I unqualifiedly respect. I heard there no suggestion which was not moderate, patriotic, and constitutional. No allusion to peace was made. Some of the gentlemen I know to be of that class called War Democrats; and one, at least, a Republican. In my opinion, the first proposition for a dishonorable peace will come—not from those who foresaw and endeavored to avert civil war, but from that class of the Republicans who were, in a peculiar degree, its authors.

But the ever-recurring question to the minds of those who think the policy of the Administration has been unwise, and generally inadequate and “too late”—and often totally impracticable, yet remains—what can those who think so do? Is there any remedy, or any relief? Can we influence, in any degree, the Administration that represents us in its calamities, if not in its counsels? Will it listen to any suggestion we can offer—will it heed any warning we can give?

Slowly and sorrowfully, after eighteen months of anxious effort, beginning in November, 1860, I yielded to the conviction that we must experience and exhaust each calamity, before we can make

it visible to our brethren and friends, who at present hold unchecked an unbalanced sway over the action of the Federal Government.

The controlling intellects of the Administration accept as the guide of their policy or reflect their own vagaries, through the worst element of their own adherents—blind partisans, visionary theorists, impracticable philanthropists, sensation journalists. The illusion which misled their minds before and at their advent to power is constantly reproduced in new forms and new applications, at every successive stage of their career.

It is the voyage of a ship with a false compass; particular deviations are discovered after they have been committed; but they recur in an indefinite series, because their source remains prolific as at first.

I did not say this at the meeting; but, compelled to restate my opinions, I do not hesitate to avow to the public what I believe to be the truth.

The substance of what I did say was, that the dissemination of documents, teaching the fundamental ideas of civil liberty and constitutional government could do no harm, and might be useful, in a time when men's minds are unsettled; that, in my judgment, party action was at present wholly unnecessary, believing, as I did, that future elections would amply take care of themselves; that great caution should be exercised as to the character of all publications authorized or issued, in respect to their practical bearing on the condition of our affairs; that, after all, if we would preserve free institutions among ourselves, or reconstruct the edifice of our Federal Union, it must be chiefly through the lessons of the great teacher, experience; that in a time of war we could not deal with our government, although disapproving its policy, without more reserve than was necessary in debating an administrative question during a period of peace; that the reason was, that if we should paralyze the arm of our own government we yet could not stay the arm of the public enemy striking at us through it; that it was this peculiarity which had sometimes caused minorities

to be suppressed in the presence of public danger; and made such periods perilous to civil liberty; that the generation which embraced Washington, Jefferson, Franklin, Madison and Hamilton, and which framed the glorious fabric of American constitutional federative government, had been educated for their work by a quarter of a century of experience in civil commotions; that their intellects had been employed in studying the fundamental questions of government and society in the lights of history, while they were daily reducing its lessons to practice, until they were able to limit theory by practice, and to enlighten practice by theory; that the next generation, which embraced Jackson, Clay, Webster, Wright and their compeers, had the fresh traditions of their fathers; that within the last ten years that generation had wholly disappeared; that the present generation—not inferior in intelligence, nor, perhaps, in dormant public virtue, had neither experience nor traditions as a practical guide for their conduct; that the statesmen of the present time, had, almost without an exception, been born and educated and attained their political eminence during a period of prosperity and peace, in which the mere mechanical action of the government had surmounted every obstacle it had hitherto met, and in which the political philosophy of our wise ancestors had fallen into desuetude, and a race had grown up formed amid the discussion of the small administrative questions, and amid the competitions of professional politicians, for the petty honors and emoluments of office; that generations like individuals, do not completely understand inherited wisdom until they have reproduced it in their own experience, and, finally, that I supposed we must travel through the whole cycle in order to learn what we ought to have known from the historic past.

The only mention I made of Mr. Lincoln was in illustrating this idea; and what I said was, that a man whose whole knowledge and experience of statesmanship was derived from one term in Congress, a long service in the county conventions at Sangamon, a career at *nisi*

prius in the interior of Illinois, and some acquaintance with the lobby at Springfield, had now to deal with the greatest questions and most complicated forces of modern history.

I had met with Mr. Lincoln before he was thought of for the Presidency, and have known much of him from his neighbors and friends. I have never been disposed to treat him so uncharitably as is often done by the factions into which his party is divided under the lead of Mr. Chase and Mr. Seward in his own Cabinet, which have scuffled over his body for power from the very day of his election, to the dissensions of which some of the vacillations of the Administration are to be ascribed; and to the occasional ascendancy of the most dangerous of which not only fatal mistakes of civil polity, but most of our military disasters, can be distinctly traced.

I am quite aware how difficult is the conduct of a constitutional opposition, during a period of war; how necessary it is to guard against its degenerating into faction, and to keep its measures directed to attaining the utmost practical good for the country at every varying stage of public affairs. I know, also, that such an opposition is often the only means of preserving civil liberty, or of conducting an existing war to a successful termination. I have hitherto never failed to see the exact line between opposition and faction, or to keep within it, with an impartiality at no moment shaken by interest, passion, prejudice or association. I have not for an instant had out of mind the infinite advantages of using, if possible, those who now sway the government, and must do so, though in a less degree, for two years longer, as the instruments of the national salvation.

It was only when I saw them yielding daily more and more to fatal influences that I looked around for a counterpoise in a constitutional opposition. History affords no example of so liberal and generous—I might say prodigal—a support of an administration by the mass of those who dissent from its policy and disapprove its management. How means more vast than were ever before placed

at the disposal of an administration have been employed, and with what results, I pronounce no judgment. I leave it to the testimonies daily coming to the public from those who were largely instrumental in bringing this Administration into existence. My view of duty on this subject has been purely and exclusively a matter of the judgment. As long ago as 1854, having broken all party ties, by firm resistance to the repeal of the Missouri Compromise, Mr. Preston King told me that the politicians of the South would never forgive me; and asked me if I thought my name could pass the Senate of the United States? I answered that it was of very little consequence to me whether it could or not; but that it was of great consequence to me that I should do what I thought best for the country. The termination of an intercourse, during which he had persistently sought to engage me with himself in the work of forming the Republican party, was a letter of warning, in which I said, in substance, that every thing that could be usefully or safely done to protect all the interests and rights of the North, could be even better accomplished without the use of such a dangerous agency; and that such an organization would either be a political blunder, or it would be a political crime, in creating a conflict in which the government would probably perish. This conviction, matured by long meditation in retirement and almost political isolation, governed my action ever after by a motive of patriotic duty so overwhelming that there was no room for any other motive.

When unexpected events swept us near to the fatal brink, this conviction was fully stated through the columns of the *Evening Post*, in October, 1860, with the reasons of it, deduced from the nature of men and of parties, in the light of history and of the principles and practices of the great men who founded free government for this continent. I feel my judgment of what was right and wise, and what is now right and wise for us to do, in this most important crisis of our national existence, assured by the accuracy with which, in that pre-

vision, I estimated every element of the question; and, though ready to accept with candor any new lights, I see, as yet, no reason to question my conclusions. If the *Evening Post*, in the issue, from that time to the present, between its opinions and mine, can stand the same test, it may find some excuse for a dogmatic assault I shall not imitate, upon the opinions and motives of others, not less conscientious and patriotic than itself, and, as private citizens, less exposed than it is to the misleading influences of the turbid current of partisan-ship and journalism.

S. J. TILDEN.

NEW-YORK, Saturday evening, }
Feb. 7, 1863. }

DANIEL WEBSTER.

Mr. Webster's definition of liberty in his Richmond speech, can not be too often repeated. He said:

"Why, gentlemen, there is a good axiom extant, that the quantity of liberty we possess, is precisely equal to the quantity of restraint we put upon the government. And this is true. If the government is restrained from putting its hand in certain particulars upon you, to that extent you are free, and no more. And if individuals are restrained from putting their hands upon you, you have more freedom. *All liberty, therefore, consists in putting such a restraint upon your governments, and upon individuals, that they can not touch your rights or your liberties.*"

HENRY CLAY.

Letter of Henry Clay to the Ashland Club, on his birthday:

ASHLAND, Sept. 2, 1843.

MY DEAR SIR: Allow me to select a subject for one of your tracts, which, treated in your popular and condensed way, I think would be attended with great and good effect. I mean Abolition.

It is manifest that the ultras of that party are extremely mischievous, and are hurrying on the country to fearful consequences. They are not to be con-

ciliated by the Whigs. Engrossed with a single idea, they care for nothing else.

And yet they would see the administration of the Government precipitate the nation into absolute ruin, before they would lend a helping hand to arrest its career. They treat worse, denounce most, those who treat them best, who so far agree with them as to admit slavery to be an evil. Witness their conduct toward Mr. Briggs and Mr. Adams, in Massachusetts, and toward me.

I will give you an outline of the manner in which I would handle it. Show the origin of slavery; trace its introduction to the British government; show how it is disposed of by the Federal Constitution; that it is left exclusively to the States, except in regard to fugitives, direct taxes and representation. Show that the agitation of the question in the free States will first destroy all harmony, and finally lead to disunion—poverty and perpetual war—the extermination of the African race—ultimate military despotism.

But the great aim and object of your tract should be to arouse the laboring classes of the free States against Abolition! Depict the consequences to them of immediate abolition. The slaves being free, would be dispersed throughout the Union; they would enter into competition with the free laborer—with the American, the Irish, the German—reduce his wages, be confounded with him, and affect his moral and social standing. And as the ultras go both for Abolitionism and amalgamation, show that their object is to unite in marriage the laboring white man and black woman, to reduce the white laboring man to the despised and degraded condition of the black man.

I would show their opposition to colonization. Show its humane, religious, and patriotic aim. That they are those whom God has separated. Why do Abolitionists oppose colonization? To keep and amalgamate together two races in violation of God's will, and keep the blacks here, that they may interfere with, degrade, and debase the laboring whites! Show that the British government is co-operating with the Abolitionists for the

purpose of dissolving the Union. I am perfectly satisfied that it will do great good. Let me hear from you on this subject.

HENRY CLAY.

Five years earlier than this, (1838,) the U. S. Senate adopted the following resolutions, offered by Mr. Clay:

Resolved, That when the District of Columbia was ceded by the States of Virginia and Maryland to the United States, domestic slavery existed in both of those States, including the ceded territory, and that, as it still continues in both of them, it could not be abolished within the District, without a violation of that good faith which was implied in the cession, and in the acceptance of the territory; nor, unless compensation were made to the proprietors of slaves, without a manifest infringement of an amendment to the Constitution of the United States, nor without exciting a degree of just alarm and apprehension in the States recognizing slavery, far transcending in mischievous tendency any possible benefit which could be accomplished by the abolition.

Resolved, therefore, That it is the deliberate judgment of the Senate, that the institution of domestic slavery ought not to be abolished within the District of Columbia; and it earnestly hopes that all sincere friends of the Union, and of harmony, and general tranquillity, will cease to agitate this disturbing question.

What is the Constitution?

ABOLITION AUTHORITY TWO YEARS AGO.

THE Constitution of the United States is a compact of Union adopted by the thirteen original colonies in 1787-8, and '90, and as equal parties to which twenty more States have since been admitted, all to equal rights.

It was in the beginning optional with each State whether it should adopt the Constitution or not, as is shown by the fact that Rhode Island did not ratify it, and was not one of the United States until the twenty-ninth of May, 1790, which was more than a year after the inauguration of our first President.

This compact derives its authority

from the will of the people of the several States that ratified it, each in its sovereign capacity in Convention assembled.

Its preamble declares that it is ordained "in order to form a more perfect Union, establish justice, insure *domestic tranquillity*, provide for the *common* defense, promote the *general welfare*, and secure the blessings of *liberty* to ourselves and to our posterity;" and by a continued and strict observance of it in all its parts, we might still have enjoyed under it all those blessings.

This article is intended to vindicate the inviolability of this Constitution by which alone was formed our *Union*—which is *in itself*, "our government"—the rampart of our freedom, the rubicon of our rights, and the palladium of our liberties, by the authority of which the very men who seek to exceed its powers hold office *under* it, and "without which neither party nor nation, nor liberty can exist." (See *N. Y. Evening Post*, Aug. 22, 1861.)

WASHINGTON'S WARNING AGAINST DESTROYING THE CONSTITUTION.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it which predominates in the human heart, is sufficient to satisfy us of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, AND CONSTITUTING EACH THE GUARDIAN OF THE PUBLIC WEAL, AGAINST INVASION BY THE OTHERS, has been evinced by experiments, ancient and modern; some

of them in our own country, and under our own eyes. To PRESERVE them must be as necessary as to INSTITUTE them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment IN THE WAY WHICH THE CONSTITUTION DESIGNATES. But let there be no change by USURPATION; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The PRECEDENT must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.—*George Washington.*

MADISON'S VIEWS OF CONSTITUTIONAL LIMITATIONS.

. . . . To hold the union of the States as the basis of their peace and happiness; to support the Constitution, which is the cement of Union, *as well in its limitations as in its authorities*; to respect the rights and authorities reserved to the States and to the people, as equally incorporated with, and essential to the success of, the general system; to avoid the slightest interference with the rights of conscience, or the functions of religion, so wisely exempted from civil jurisdiction; to preserve, to their full energy, the other salutary provisions in behalf of private and personal rights, and of the freedom of the press. As far as sentiments and intentions such as these can aid the fulfillment of my duty, they will be a resource which can not fail me.—*President James Madison.*

THE RIGHTS OF MINORITIES.

All, too, will bear in mind this sacred principle, that, though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess her equal rights, which equal laws must protect, and to violate would be oppression.—*Thomas Jefferson.*